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10/748,042	12/29/2003	Diego Raul Mazzola	TI-35316	6807

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EXAMINER	
BELANI, KISHIN G	

ART UNIT	PAPER NUMBER
2143	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No.	Applicant(s)	
	10/748,042	MAZZOLA, DIEGO RAUL	
	Examiner	Art Unit	
	KISHIN G. BELANI	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 January 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *01/25/2008*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This action is in response to Applicant's amendment filed on 01/25/2008. **None of the claims has been amended. Claims 1-25 are now pending** in the present application. The applicants' arguments are shown in ***bold and italics***, and the examiner's response to the arguments is shown in **bold** in the "Response to Arguments" section of this office action. **This Action is made FINAL**.

Information Disclosure Statement

The information disclosure statement submitted on 01-25-2008 has been considered by the Examiner and made of record in the application file.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 6, 8, 10-14, 16, 18-21, 23 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by **Kelton et al. (U.S. Patent Application Publication # 2004/0125779 A1).**

Consider **claim 1**, Kelton et al. show and disclose a method of QoS provisioning a non-QoS capable home LAN device on a home network having a gateway (Figs. 1-5 that show a multimedia server wirelessly linked with wireless devices in various combinations with QoS and non-QoS multimedia rendering devices on a home LAN; paragraph 0008 that discloses an in-home local area network with a server providing access to the Internet for the connected devices; paragraph 0174 that discloses QoS features of the invention, including reserving longer timeslots (in a TDMA transmission) for "preferred" customers, so as to provide them with larger bandwidth than the non-QoS customers; paragraph 0057, lines 4-9 which disclose that the multimedia server 42 of Fig. 2 may be incorporated within a modem of a gateway), comprising:

requesting the QoS needs of the non-QoS capable home LAN device (paragraph 0014, that describes the QoS needs of the non-QoS capable home LAN devices; paragraph 0017 that discloses a method for allocating communication channel capacity in a WLAN among a plurality of clients);

provisioning the QoS needs of the non-QoS capable device into the gateway utilizing a reservation protocol (paragraphs 0015-0022 that disclose different provisioning methods used by the server (incorporated in the gateway) utilizing a reservation protocol); and

transmitting the data communications between the home LAN devices on the home network based on the QoS needs of all the devices on the home network (Fig. 1; paragraph 0052-0053 that describe how the server transmits multimedia data to various devices on the home LAN by multiplexing the data allocated to each device).

Consider **claim 2**, and **as it applies to claim 1 above**, Kelton et al. show and disclose a method wherein provisioning the QoS needs of the non-QoS capable device comprises initiating a reservation with the gateway on behalf of the non-QoS capable device (paragraphs 0014-0015 that describe the QoS needs of a non-QoS capable device, and how the multimedia server of Fig.1 provisions for those needs by appropriately reserving and then allocating channel resources for the non-QoS capable devices).

Consider **claim 3**, and **as it applies to claim 1 above**, Kelton et al. disclose a method wherein transmitting the data communications comprises:
prioritizing the data communications traffic between a plurality of home LAN devices on the home network based on the QoS needs of all the QoS capable and non-QoS capable devices on the home network (paragraph 0015 that describes different scenarios that require time-changing needs of client devices and channel resources, as well as priority based resource allocation; paragraph 0174 that also discloses priority bases resource allocations); and
adjusting the QoS parameters of the QoS capable home LAN devices based on the traffic priorities established (paragraph 0015 that discloses several adjustments to the QoS parameters of the QoS capable home LAN devices based on the traffic priorities established).

Consider **claim 4**, and **as it applies to claim 1 above**, Kelton et al. disclose a method wherein requesting the QoS needs of a non-QoS capable home LAN device comprises:

running an HTTP protocol on a web browser associated with the gateway to manually poll a user for the one or more QoS parameters of the non-QoS capable home LAN device on the home network (paragraph 0060, lines 3-13 that disclose the multimedia server running web browser applications and receiving requests from wireless devices 46-54, for their respective clients 26-34, an indication of desire to access the wide area network 44); and

receiving and storing the one or more QoS parameters in the gateway (paragraph 0015, lines 5-9 that disclose a user or a system administrator providing client priority level to receive QoS preference; paragraph 0021, lines 10-13 that disclose the same details).

Consider **claim 6**, and **as it applies to claim 1 above**, Kelton et al. disclose a method wherein the provisioning the QoS needs of the device into the gateway utilizing the reservation protocol comprises employing a manual reservation operation (paragraph 0020, lines 8-11 which disclose that unequal access time to communication channels may be assigned based on each client's desired channel consumption, desired quality of service, etc., thereby disclosing a manual reservation operation).

Consider **claim 8**, and **as it applies to claim 1 above**, Kelton et al. show and disclose the claimed method, including regulating traffic on the home LAN for each

home LAN device associated therewith based on a prioritization of a QoS parameter provisioned by the non-QoS capable home LAN device on the home network (Fig. 23 that shows different TDMA slot widths being set up for different client types; paragraph 0174 that discloses priority assignments for "preferred" customers, by regulating the width of the timeslots (in TDMA transmission mode) that controls the bandwidth a given client may use (a QoS parameter) provisioned by the non-QoS capable home LAN device on the home network.

Consider **claim 10**, Kelton et al. show and disclose a method of QoS provisioning a non-QoS capable home LAN device on a home network (Figs. 1-5 that show a multimedia server wirelessly linked with wireless devices in various combinations with QoS and non-QoS multimedia rendering devices on a home LAN; paragraph 0008 that discloses an in-home local area network with a server providing access to the Internet for the connected devices; paragraph 0174 that discloses QoS features of the invention, including reserving longer timeslots (in a TDMA transmission) for "preferred" customers, so as to provide them with larger bandwidth than the non-QoS customers), comprising: monitoring communication traffic from the non-QoS capable home LAN device on the home network (Fig. 1; paragraph 0047 that describes monitoring the request from a wireless device for providing multimedia data from the non-QoS capable home LAN device on the home network; paragraphs 0050-0053 provide additional details); determining the QoS needs of the non-QoS capable home LAN device based on the traffic of the non-QoS device (paragraph 0014, that describes the process of

determining the QoS needs of the non-QoS capable home LAN devices; paragraph 0017 that discloses a method for allocating communication channel capacity in a WLAN among a plurality of clients);

provisioning the QoS needs of the device utilizing a reservation protocol (paragraphs 0018-0022 that disclose different provisioning methods used by the server utilizing a reservation protocol); and

transmitting the data communications between the home LAN devices on the home network based on the QoS needs of all the devices on the home network (Fig. 1; paragraph 0052-0053 that describe how the server transmits multimedia data to various devices on the home LAN by multiplexing the data allocated to each device).

Consider **claim 11**, and **as it applies to claim 10 above**, Kelton et al. show and disclose a method wherein provisioning the QoS needs of the non-QoS capable device comprises initiating the reservation with the gateway on behalf of the non-QoS capable device (paragraphs 0014-0015 that describe the QoS needs of a non-QoS capable device, and how the multimedia server of Fig.1 provisions for those needs by appropriately reserving and then allocating channel resources for the non-QoS capable devices).

Consider **claim 12**, and **as it applies to claim 10 above**, Kelton et al. disclose a method wherein transmitting the data communications comprises:

prioritizing the data communications traffic between a plurality of home LAN devices on the home network based on the QoS needs of all the QoS capable and non-QoS capable devices on the home network (paragraph 0015 that describes different scenarios that require time-changing needs of client devices and channel resources, as well as priority based resource allocation; paragraph 0174 that also discloses priority bases resource allocations); and

adjusting the QoS parameters of the QoS capable home LAN devices based on the traffic priorities established (paragraph 0015 that discloses several adjustments to the QoS parameters of the QoS capable home LAN devices based on the traffic priorities established).

Consider **claim 13**, and **as it applies to claim 10 above**, Kelton et al. disclose a method further comprising:

establishing a connection between the devices on the home LAN (Fig. 5 that shows client wireless devices 26-34 establishing connection with home LAN devices via multimedia server 132; paragraph 0074 that discloses the same details); and

managing an exchange of information between the devices based on the QoS needs of the non-QoS capable device on the network (paragraph 0074 that further discloses how the multimedia server 132 manages an exchange of information between the devices based on the QoS needs of the non-QoS capable device on the network; also paragraph 0174 that discusses the QoS aspect of the disclosed invention).

Consider **claim 14**, and **as it applies to claim 10 above**, Kelton et al. disclose a method wherein the monitoring the traffic from the non-QoS capable home LAN device on the network comprises:

monitoring the data communications from the non-QoS capable device to determine one of a minimum bandwidth, maximum bandwidth, delay, and a QoS parameter or requirement of the device on the home network (paragraph 0176 that discloses the multimedia server monitoring the bandwidth requirements of different non-QoS devices on the home network); and

storing the QoS parameter associated with the device in a location accessible to the home network (Fig. 23, that shows different sized TDMA packets being reserved based on the bandwidth requirements of different clients, thereby disclosing that the required bandwidth value for each client is saved in a location accessible to the home network).

Consider **claim 16**, and **as it applies to claim 10 above**, Kelton et al. disclose a method wherein provisioning the QoS needs of the device utilizing the reservation protocol comprises employing a manual reservation operation associated with a proxy interface on the home network (paragraph 0020, lines 8-11 which disclose that unequal access time to communication channels may be assigned based on each client's desired channel consumption, desired quality of service, etc., thereby disclosing a manual reservation operation).

Consider **claim 18**, and **as it applies to claim 10 above**, Kelton et al. show and disclose the claimed method, including regulating traffic on the home LAN for each home LAN device based on a prioritization of a QoS parameter provisioned by the non-QoS capable home LAN device on the home network (Fig. 23 that shows different TDMA slot widths being set up for different client types; paragraph 0174 that discloses priority assignments for "preferred" customers, by regulating the width of the timeslots (in TDMA transmission mode) that controls the bandwidth a given client may use (a QoS parameter) provisioned by the non-QoS capable home LAN device on the home network.

Consider **claim 19**, Kelton et al. show and disclose a method of QoS provisioning a non-CH compatible home LAN device on a home network using a gateway having a portal service proxy interface (Figs. 1-5 that show a multimedia server wirelessly linked with wireless devices in various combinations with QoS and non-QoS multimedia rendering devices on a home LAN; paragraph 0008 that discloses an in-home local area network with a server providing access to the Internet for the connected devices; paragraph 0174 that discloses QoS features of the invention, including reserving longer timeslots (in a TDMA transmission) for "preferred" customers, so as to provide them with larger bandwidth than the non-QoS customers), the method comprising: requesting the QoS needs of a non-CH compatible home LAN device from a client using the portal service proxy interface (paragraph 0014, that describes the QoS needs of the

non-QoS capable home LAN devices; paragraph 0017 that discloses a method for allocating communication channel capacity in a WLAN among a plurality of clients);

provisioning the QoS needs of the device into the gateway utilizing a reservation protocol (paragraphs 0018-0022 that disclose different provisioning methods used by the server utilizing a reservation protocol);

prioritizing the data communications traffic between a plurality of home LAN devices on the home network based on the QoS needs of the CH capable and non-CH compatible devices on the home network (paragraph 0015 that describes different scenarios that require time-changing needs of client devices and channel resources, as well as priority based resource allocation; paragraph 0174 that also discloses priority bases resource allocations);

adjusting the QoS parameters of all the CH capable home LAN devices based on the established traffic priorities (paragraph 0015 that discloses several adjustments to the QoS parameters of the QoS capable home LAN devices based on the traffic priorities established); and

transmitting the data communications between the home LAN devices on the home network based on the QoS needs of the devices on the home network (Fig. 1; paragraph 0052-0053 that describe how the server transmits multimedia data to various devices on the home LAN by multiplexing the data allocated to each device).

Consider **claim 20**, and **as it applies to claim 19 above**, Kelton et al. show and disclose a method wherein provisioning the QoS needs of the device into the gateway

comprises initiating the reservation from the gateway on behalf of the non-CH compatible device to the other home LAN devices on the home network (paragraphs 0014-0015 that describe the QoS needs of a non-QoS capable device, and how the multimedia server of Fig.1 provisions for those needs by appropriately reserving and then allocating channel resources for the non-QoS capable devices).

Consider **claim 21**, and **as it applies to claim 19 above**, Kelton et al. disclose a method wherein requesting the QoS needs of a non-CH compatible home LAN device from a client using the portal service proxy interface comprises:
running an HTTP protocol on a web browser to manually poll the client for the one or more QoS parameters of the non-CH compatible home LAN device on the home network (paragraph 0060, lines 3-13 that disclose the multimedia server running web browser applications and receiving requests from wireless devices 46-54, for their respective clients 26-34, an indication of desire to access the wide area network 44); and receiving and storing the one or more QoS parameters in the gateway (paragraph 0015, lines 5-9 that disclose a user or a system administrator providing client priority level to receive QoS preference; paragraph 0021, lines 10-13 that disclose the same details).

Consider **claim 23**, and **as it applies to claim 19 above**, Kelton et al. disclose a method wherein provisioning the QoS needs of the device into the gateway utilizing the reservation protocol comprises employing a manual reservation operation (paragraph

0020, lines 8-11 which disclose that unequal access time to communication channels may be assigned based on each client's desired channel consumption, desired quality of service, etc., thereby disclosing a manual reservation operation).

Consider **claim 25**, and **as it applies to claim 19 above**, Kelton et al. show and disclose the claimed method, including regulating traffic on the home LAN for each home LAN device based on a prioritization of a QoS parameter provisioned of the non-CH compatible home LAN device on the home network (Fig. 23 that shows different TDMA slot widths being set up for different client types; paragraph 0174 that discloses priority assignments for "preferred" customers, by regulating the width of the timeslots (in TDMA transmission mode) that controls the bandwidth a given client may use (a QoS parameter) provisioned by the non-QoS capable home LAN device on the home network.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness
or nonobviousness.

Claims 5, 9, 15 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kelton et al. (U.S. Patent Application Publication # 2004/0125779 A1)** in view of **Widegren et al. (U.S. Patent Application Publication # 2002/0120749 A1).**

Consider **claim 5**, and **as it applies to claim 1 above**, Kelton et al. show and disclose the claimed method, except wherein the provisioning the QoS needs of the non-QoS capable home LAN device into the gateway comprises transmitting the QoS needs to an subnet bandwidth manager associated with the home network using the reservation protocol.

In the same field of endeavor, Widegren et al. do show and disclose that provisioning the QoS needs of the non-QoS capable home LAN device into the gateway comprises transmitting the QoS needs to an subnet bandwidth manager associated with the home network using the reservation protocol (Fig. 3, non-QoS provisioned “Host” to the right, transmitting its QoS needs to a subnet bandwidth manager labeled “R” to the left of the “Host”; paragraph 0013 that discloses the same details).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide a QoS-enabled subnet bandwidth manager

that can direct the QoS needs of a non-QoS capable home LAN device to the gateway capable of using the reservation protocol, as taught by Widegren et al., in the method of Kelton et al., so that the non-QoS provisioned device can provide QoS services by using the gateway as a proxy for RSVP protocol initiation.

Consider **claim 9**, and **as it applies to claim 1 above**, Kelton et al. show and disclose the claimed method, except wherein the requesting of the QoS needs of the non-QoS capable home LAN device is performed using a portal service proxy interface.

In the same field of endeavor, Williams et al. do show and disclose that wherein the requesting of the QoS needs of the non-QoS capable home LAN device is performed using a portal service proxy interface (Fig. 3, Non-RSVP Host 88 (rightmost) using a portal service proxy interface labeled “Proxy”; paragraph 0013 that discloses the same details).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a portal service proxy interface while requesting the QoS needs of a non-QoS capable home LAN device, as taught by Williams et al., in the method of Kelton et al., so that the non-QoS provisioned device can provide QoS services by using the gateway as a proxy for RSVP protocol initiation.

Consider **claim 15**, and **as it applies to claim 10 above**, Kelton et al. show and disclose the claimed method, except wherein provisioning the QoS needs of the device

utilizing the reservation protocol comprises employing a subnet bandwidth manager associated with home network.

In the same field of endeavor, Widegren et al. do show and disclose that provisioning the QoS needs of the non-QoS capable home LAN device into the gateway comprises transmitting the QoS needs to an subnet bandwidth manager associated with the home network using the reservation protocol (Fig. 3, non-QoS provisioned "Host" to the right, transmitting its QoS needs to a subnet bandwidth manager labeled "R" to the left of the "Host"; paragraph 0013 that discloses the same details).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide a QoS-enabled subnet bandwidth manager that can direct the QoS needs of a non-QoS capable home LAN device to the gateway capable of using the reservation protocol, as taught by Widegren et al., in the method of Kelton et al., so that the non-QoS provisioned device can provide QoS services by using the gateway as a proxy for RSVP protocol initiation.

Consider **claim 22**, and **as it applies to claim 19 above**, Kelton et al. show and disclose the claimed method, except wherein the provisioning into the gateway the QoS needs of the device utilizing the reservation protocol comprises employing a subnet bandwidth manager associated with the home network.

In the same field of endeavor, Widegren et al. do show and disclose that provisioning the QoS needs of the non-QoS capable home LAN device into the gateway comprises transmitting the QoS needs to an subnet bandwidth manager associated with

the home network using the reservation protocol (Fig. 3, non-QoS provisioned "Host" to the right, transmitting its QoS needs to a subnet bandwidth manager labeled "R" to the left of the "Host"; paragraph 0013 that discloses the same details).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide a QoS-enabled subnet bandwidth manager that can direct the QoS needs of a non-QoS capable home LAN device to the gateway capable of using the reservation protocol, as taught by Widegren et al., in the method of Kelton et al., so that the non-QoS provisioned device can provide QoS services by using the gateway as a proxy for RSVP protocol initiation.

Claims 7, 17 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kelton et al. (U.S. Patent Application Publication # 2004/0125779 A1)** in view of **Williams et al. (U.S. Patent Application Publication # 2002/0133600 A1).**

Consider **claim 7**, and **as it applies to claim 1 above**, Kelton et al. show and disclose the claimed method, except wherein the provisioning the QoS needs of the device into the gateway utilizing the reservation protocol comprises employing an automatic reservation detection operation.

In the same field of endeavor, Williams et al. do show and disclose that provisioning the QoS needs of the device into the gateway utilizing the reservation protocol comprises employing an automatic reservation detection operation (Figs. 6, non-enabled RSVP Host 88 using GGSN 96 as RSVP Proxy for provisioning its QoS

needs; Fig. 8, PDP Context Request block with RSVP Proxy Flag included, the flag value set by the non-QoS provisioned host 88, to employ an automatic reservation detection operation by the gateway 96; paragraph 0050, lines 1-19 that disclose the same details).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ an automatic reservation detection operation between a non-QoS-enabled device and its RSVP Proxy, as taught by Williams et al., in the method of Kelton et al., so that the non-QoS provisioned device can provide QoS services by using the gateway as a proxy for RSVP protocol initiation.

Consider **claim 17**, and **as it applies to claim 10 above**, Kelton et al. show and disclose the claimed method, except wherein provisioning the QoS needs of the device utilizing the reservation protocol comprises employing an automatic reservation detection interface associated with the home network.

In the same field of endeavor, Williams et al. do show and disclose that provisioning the QoS needs of the device into the gateway utilizing the reservation protocol comprises employing an automatic reservation detection operation (Figs. 6, non-enabled RSVP Host 88 using GGSN 96 as RSVP Proxy for provisioning its QoS needs; Fig. 8, PDP Context Request block with RSVP Proxy Flag included, the flag value set by the non-QoS provisioned host 88, to employ an automatic reservation detection operation by the gateway 96; paragraph 0050, lines 1-19 that disclose the same details).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ an automatic reservation detection operation between a non-QoS-enabled device and its RSVP Proxy, as taught by Williams et al., in the method of Kelton et al., so that the non-QoS provisioned device can provide QoS services by using the gateway as a proxy for RSVP protocol initiation.

Consider **claim 24**, and **as it applies to claim 19 above**, Kelton et al. show and disclose the claimed method, except wherein provisioning the QoS needs of the device into the gateway utilizing the reservation protocol comprises employing an automatic reservation detection operation.

In the same field of endeavor, Williams et al. do show and disclose that provisioning the QoS needs of the device into the gateway utilizing the reservation protocol comprises employing an automatic reservation detection operation (Figs. 6, non-enabled RSVP Host 88 using GGSN 96 as RSVP Proxy for provisioning its QoS needs; Fig. 8, PDP Context Request block with RSVP Proxy Flag included, the flag value set by the non-QoS provisioned host 88, to employ an automatic reservation detection operation by the gateway 96; paragraph 0050, lines 1-19 that disclose the same details).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ an automatic reservation detection operation between a non-QoS-enabled device and its RSVP Proxy, as taught by Williams et al., in

the method of Kelton et al., so that the non-QoS provisioned device can provide QoS services by using the gateway as a proxy for RSVP protocol initiation.

Response to Arguments

Applicant's arguments filed 01/25/2008 have been fully considered but they are not persuasive.

Consider **claim 1**. The applicant has argued that the cited Kelton et al. reference does not teach requesting the QoS needs of a non-QoS capable home LAN device. The examiner respectfully disagrees with this assessment. The applicant's argument ignored paragraph 0174 cited in the rejection of claim 1 and only considered paragraph 0014 in isolation. Paragraph 0174 in the Kelton et al. reference discloses provisioning for both the QoS clients (by assigning priority in terms of more bandwidth) and the non-QoS clients (by equally dividing the remaining bandwidth among the non-QoS client). Now when paragraph 0014 is read in the light of paragraph 0174, it further discloses that resources can be allocated differently based on the degree of channel usage and the type of wireless client (QoS or non-QoS) being served, to maximize the quality of service delivered to each client; thereby teaching the claimed elements argued by the applicant in paragraphs ***i*** and ***ii*** of the remarks. Therefore, independent **claim 1 and its dependent claims 2-9 remain rejected**. Since same argument is presented for independent **claims 10 and 19, and their dependent claims 11-18 and 20-25 also remain rejected**.

Consider **claim 4**. The applicant has argued (in paragraph ***iii*** of the remarks) that Kelton et al. do not teach running an HTTP protocol on a web browser to manually poll a user for the one or more QoS parameters of the non-QoS capable device. The examiner had cited paragraphs 0060 which disclosed that the multimedia server runs web browser applications to facilitate each client's access to the Internet (WAN); further disclosing that the wireless devices 46-54 (in Fig. 2), for their respective (non-QoS) clients 26-34, provide an indication that their client desires access to wide area network; cited paragraph 0015 further discloses that client priority may be set by a user or a system administrator, thus disclosing manually polling a user for the QoS parameters (client priority) for the non-QoS capable device. Therefore, the examiner still considers **claim 4** not to be allowable.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any response to this Office Action should be **faxed to** (571) 273-8300 **or mailed to**:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Art Unit: 2143

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Kishin G. Belani whose telephone number is (571) 270-1768. The Examiner can normally be reached on Monday-Friday from 6:00 am to 5:00 pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-0800.

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April 30, 2008

/Nathan J. Flynn/
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